

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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BELLAGIO, LLC, and MIRAGE
RESORTS, INC., a Nevada corporation,

2:09-cv-2240-HDM-RJJ

VS.

REPORT AND RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter came before the Court on Plaintiffs' Motion For Sanctions (#34). Following a hearing held on the motion and a review of the case, the court makes the following findings:

- 18 1. Defendants have failed to respond to any discovery requested in this case.

19 2. Additionally, defendants failed to appear at the hearing on their counsel's Motion

20 to Withdraw (#26) held on August 6, 2010. *See* Minutes of Proceedings (#33).

21 3. The Court granted the Motion to Withdraw (#26) because defendants failed to

22 maintain contact with counsel.

23 4. The Court ordered the defendants to file a response to the Motion For Sanctions

24 (#34) by September 3, 2010. *See*, Order (#36). No response was filed.

25 5. The defendants failed to attend the hearing held on September 22, 2010, on the

26 motion for sanctions. *See*, Minutes of Proceedings (#40).

27 6. The defendants have been served with notice of the various hearings and

28 obligations imposed by the Court. No response has ever been received. It is

1 apparent that the defendants have abandoned their defense in this case.

2 Based on the foregoing and good cause appearing therefore,

3 **ORDER**

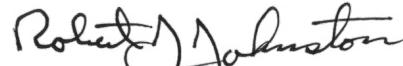
4 IT IS HEREBY ORDERED that Plaintiff's Motion For Sanctions (#34) is **GRANTED**.

5 IT IS FURTHER ORDERED that the Clerk shall strike the Answer to Complaint and
6 Counterclaim (#6).

7 **RECOMMENDATION**

8 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that the court
9 enter judgment in favor of the plaintiffs as requested. Plaintiffs shall submit a proposed order for
10 judgment to the court by March 11, 2011.

11 DATED this 24th day of February, 2011.

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14 ROBERT J. JOHNSTON
United States Magistrate Judge

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